

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Brickell	Team: Squad #1	CCRB Case #: 201401056	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/28/2014 9:00 AM	Location of Incident: § 87(2)(b) 75th Precinct stationhouse.	Precinct: 75	18 Mo. SOL 7/28/2015	EO SOL 7/28/2015	
Date/Time CV Reported Wed, 01/29/2014 10:50 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/03/2014 1:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Sitruk	21263	940742	075 PCT
2. POM Jonathan Bulzomi	04276	948711	075 PCT
3. An officer			075 PCT
4. Officers			075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jared Dietzel	30858	946469	075 PCT
2. SGT Grigoriy Bardash	02148	927780	075 PCT
3. POM Steven Giannitelli	04289	924663	075 PCT
4. POM Kurt Klenke	10852	940337	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Sitruk	Force: PO Daniel Sitruk used a chokehold against § 87(2)(b) at § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Daniel Sitruk	Force: PO Daniel Sitruk used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Daniel Sitruk	Discourtesy: PO Daniel Sitruk spoke discourtesly to § 87(2)(b) at § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
D.POM Daniel Sitruk	Force: PO Daniel Sitruk used a chokehold against § 87(2)(b) at § 87(2)(b) in Brooklyn.	
E.POM Daniel Sitruk	Force: PO Daniel Sitruk used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.	
F.POM Jonathan Bulzomi	Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.	
G.POM Jonathan Bulzomi	Discourtesy: PO Jonathan Bulzomi spoke discourteously to § 87(2)(b) at § 87(2)(b) in Brooklyn.	
H.POM Jonathan Bulzomi	Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.	
I. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) outside of § 87(2)(b) in Brooklyn.	
J. Officers	Abuse: Officers did not obtain medical treatment for § 87(2)(b) at the 75th Precinct stationhouse in Brooklyn.	

Case Summary

On January 29, 2014, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB) via the telephone on behalf of himself, § 87(2)(b) and § 87(2)(b) via log number 2014-3795. This complaint was received at the Civilian Complaint Review Board (CCRB) on February 3, 2014. On January 28, 2014, police officers responded to a call at § 87(2)(b) in Brooklyn, and the following allegations resulted:

Allegation A – Force: PO Daniel Sitruk used a chokehold against § 87(2)(b)

at § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation B – Force: PO Daniel Sitruk used physical force against § 87(2)(b)

at § 87(2)(b) in Brooklyn.

Allegation E – Force: PO Daniel Sitruk used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

Allegation H – Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation C – Discourtesy: PO Daniel Sitruk spoke discourteously to § 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation D – Force: PO Daniel Sitruk used a chokehold against § 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation F – Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

Allegation G – Discourtesy: PO Jonathan Bulzomi spoke discourteously to § 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation I – Discourtesy: An officer spoke discourteously to § 87(2)(b) outside of § 87(2)(b) in Brooklyn.

§ 87(2)(g)

Allegation J – Abuse of Authority: Officers did not obtain medical treatment for § 87(2)(b) at the 75th Precinct stationhouse in Brooklyn.

§ 87(2)(g)

Because § 87(2)(b) and § 87(2)(b) were both arrested, this complaint was ineligible for mediation.

Results of Investigation

Civilians Present During Incident:

The following residents and staff members were on scene during the incident:

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) (b)

and § 87(2)(b)

Civilian Statements

Complainant/Victim: § 87(2)(b) (encl. 8 – 11C)

- § 87(2)(b)

Victim: § 87(2)(b) (encl. 12A – C)

- § 87(2)(b)

Victim: § 87(2)(b) (encl. 13A – C)

- § 87(2)(b)

Witness: § 87(2)(b) (encl. 14A – C)

- § 87(2)(b)

Witness: § 87(2)(b) (encl. 15A – C)

Witness: § 87(2)(b) (encl. 16A – B)

- § 87(2)(b)

Part One – Initial Incident, NYPD Response and § 87(2)(b)'s Arrest

§ 87(2)(g)

On January 28, 2014, at approximately 9:00 a.m., one of the residents of the § 87(2)(b) facility, a facility which § 87(2)(b) located at § 87(2)(b) in Brooklyn, § 87(2)(b) had an argument with an employee, § 87(2)(b) who called 911. At 9:02 a.m., two uniformed officers, identified via the investigation as PO Daniel Sitruk and PO Steven Giannitelli, responded to the scene. The officers were escorted into the facility by another employee, § 87(2)(b) and they went to the kitchen to speak with § 87(2)(b) saw the officers speaking with § 87(2)(b) and approached the kitchen. She was angry that he had called the police, and she took a cup of coffee out of an employee's, § 87(2)(b) hands and threw it at § 87(2)(b). The coffee struck § 87(2)(b) and PO Sitruk.

§ 87(2)(b) testified that he opened the door for PO Sitruk and PO Giannitelli and gave them a brief summary of the events, including the fact that § 87(2)(b) was approximately eight weeks pregnant. He escorted the officers to the kitchen to speak with § 87(2)(b). One of the residents notified § 87(2)(b) that the police were present, and she confronted § 87(2)(b) outside of the kitchen. She was agitated and screamed profanity at § 87(2)(b). PO Sitruk told her to calm down, but she continued to yell.

After § 87(2)(b) threw the coffee at § 87(2)(b) and it struck PO Sitruk, PO Sitruk exited the kitchen, grabbed § 87(2)(b) by the throat with his right hand, and choked her for two to three seconds. PO Sitruk pushed her against the wall and her back made contact with the wall. § 87(2)(b) and the other employees tried to diffuse the situation by telling the officer to calm down. PO Sitruk then turned § 87(2)(b) around and forced her against the wall face-first. § 87(2)(b) was not physically resisting. PO Sitruk pulled her hands behind her back and handcuffed her.

According to § 87(2)(b) after the coffee struck PO Sitruk, he grabbed her by the front of the neck (her breathing was not restricted) and pushed her against the wall, causing her stomach and chest to make contact with it. She did not resist and PO Sitruk handcuffed her.

§ 87(2)(b) testified that after the coffee struck PO Sitruk, he and PO Giannitelli grabbed § 87(2)(b) by her arms and pushed her up against the wall, causing her face and stomach to make contact with the wall. § 87(2)(b) moved her body to try and get her stomach off of the wall and was also screaming and crying. PO Sitruk and PO Giannitelli said, “Shut up bitch,” approximately three times. PO Sitruk handcuffed § 87(2)(b).

§ 87(2)(b)

§ 87(2)(b) testified that after the coffee struck PO Sitruk, he grabbed § 87(2)(b) by her arm and pushed her up against the wall face first. § 87(2)(b) was very emotional and moved her body. PO Sitruk handcuffed § 87(2)(b) and the residents became irate and screamed that § 87(2)(b) was pregnant.

§ 87(2)(b) testified that after the coffee struck PO Sitruk, he pinned § 87(2)(b) against the wall, but was unable to describe how he did so. She did not recall whether PO Sitruk choked § 87(2)(b) and did not recall how she was handcuffed.

§ 87(2)(b) testified that she was in her office at approximately 9:05 a.m. She heard screaming in the hallway, opened the door to her office, and stood in the doorway. She heard the residents yelling for the officers to let § 87(2)(b) go. PO Sitruk told the residents to move out of the way or they would be arrested, and the staff helped move the residents out of the way. PO Sitruk and PO Giannitelli held § 87(2)(b) against the wall and handcuffed her, despite the fact that she was screaming and moving her shoulders. § 87(2)(b) did not allege that PO Sitruk had any contact with § 87(2)(b)'s throat.

Part Two: § 87(2)(b) s Apprehension

According to § 87(2)(b) told PO Sitruk to get off of § 87(2)(b) because she was pregnant. PO Sitruk turned to § 87(2)(b) and said, “Shut the fuck up or I’ll lock you up.” § 87(2)(b) got between § 87(2)(b) and PO Sitruk in an attempt to stop her from interacting with him, however, she lunged at PO Sitruk, making contact with one of his shoulders.

PO Sitruk grabbed § 87(2)(b) by the head, however, § 87(2)(b) was unsure where on her head PO Sitruk grabbed her. PO Sitruk tried to subdue § 87(2)(b) by putting his hand on the back of her neck and pushing her neck down towards the floor, but § 87(2)(b) resisted and PO Sitruk wrapped his arm around her head and pushed her down towards the floor, kicked her legs at least three times and said, "Get the fuck down." § 87(2)(b) tensed her body and did not allow herself to be taken to the ground. § 87(2)(b) told PO Sitruk to calm down, but the residents yelled at the officers. The struggle between PO Sitruk and § 87(2)(b) lasted approximately one to two minutes before backup officers arrived. § 87(2)(b) did not see how § 87(2)(b) was finally handcuffed because of his interaction with PO Bulzomi (part three).

§ 87(2)(b) testified that the other staff members and residents crowded around them and yelled that she was pregnant. § 87(2)(b) said "She's pregnant," to PO Sitruk and made contact with him, however, she did not see where § 87(2)(b) did so. § 87(2)(b) did not allege that PO Sitruk said, "Shut the fuck up or I'll lock you up." PO Sitruk let go of § 87(2)(b) and grabbed § 87(2)(b) by her hair and tried to pull her to the ground. § 87(2)(b) pulled back from him, and PO Sitruk pulled her to the other side of the hallway. PO Giannitelli went to assist him, and § 87(2)(b) walked over to the stairs and yelled for the officers to stop. § 87(2)(b) was moving around and refused to calm down. The officers told § 87(2)(b) to stop moving and get on the ground. They also told her to, "Shut the fuck up." § 87(2)(b) was unable to see whether the officers used any force against § 87(2)(b). PO Sitruk and PO Giannitelli called for backup, and an unknown number of additional officers arrived. When the officers picked § 87(2)(b) up from the ground she was handcuffed.

According to § 87(2)(b) the residents and staff crowded around § 87(2)(b) and the officers. § 87(2)(b) stood less than a foot from the officers. The residents were all yelling for the police to let § 87(2)(b) go. § 87(2)(b) told PO Sitruk that § 87(2)(b) was pregnant. When asked by the undersigned, § 87(2)(b) corroborated that PO Sitruk said, "Shut the fuck up or I'll lock you up." § 87(2)(b) denied making physical contact with PO Sitruk, who turned around and grabbed § 87(2)(b) by the hair. PO Sitruk pulled her approximately twenty feet across the hallway. § 87(2)(b) pushed PO Sitruk in the chest in an attempt to get away, and he pushed her to the floor. She landed face first and tried to grab PO Sitruk's hands to get them off of her head. An officer, whom § 87(2)(b) could not see, punched her in the back of the head twice. Another officer, identified via the investigation as PO Jonathan Bulzomi, kicked and punched her in the lower back, however, she did not know how many times he hit her. This went on for approximately three minutes before she was handcuffed.

§ 87(2)(b) testified that after PO Sitruk grabbed § 87(2)(b) the residents became irate and screamed that she was pregnant. § 87(2)(b) stood to the left of PO Sitruk yelled at PO Sitruk, who responded, "Shut the fuck up or I'll lock you up." § 87(2)(b) could not see whether § 87(2)(b) struck PO Sitruk because she was positioned on the other side of other side of PO Sitruk. PO Sitruk grabbed § 87(2)(b) by her hair, pulled her down to the floor and then dragged her down the hallway. The other residents, who were still screaming, and staff followed behind PO Sitruk. PO Sitruk yelled repeatedly for them to back up, but they did not do so.

PO Sitruk held § 87(2)(b) and yelled at her repeatedly to stay still. § 87(2)(b) was yelling and moving her body. PO Sitruk kicked her twice in the legs and tried to push her down to the ground. He put his knee in her back and was able to get one of her hands cuffed. The officers

called for backup, and Sgt. Bardash and PO Bulzomi arrived a few minutes later. PO Bulzomi turned to the crowd and told them to get back, however, the residents did not comply, and continued to yell. PO Sitruk, PO Giannitelli and another officer, identified via the investigation as Sgt. Bardash, tried to handcuff § 87(2)(b) who was rolling around on the ground.

Because of the interaction between § 87(2)(b) and PO Bulzomi, § 87(2)(b) walked over to the stairs so that she would not be physically involved. § 87(2)(b) was still on the ground, however, § 87(2)(b) was unable to see if any officer hit § 87(2)(b) from her vantage point. The officers pulled § 87(2)(b)'s other hand behind her back and handcuffed her. PO Giannitelli and Sgt. Bardash picked § 87(2)(b) up from the ground and escorted her outside. § 87(2)(b) had bumps and bruises all over her face, which she received during the course of the incident.

§ 87(2)(b) did not see any interaction between § 87(2)(b) and the officers. According to § 87(2)(b) the residents surrounded § 87(2)(b) and the officers, and § 87(2)(b) moved to within a foot of the officers and told them that § 87(2)(b) was pregnant. § 87(2)(b) did not see her make contact with PO Sitruk. PO Sitruk grabbed § 87(2)(b) by her hair and pulled her down to the ground. He told § 87(2)(b) to stop moving, however, she resisted by trying to get up from the ground. PO Giannitelli came over and tried to hold her down, but she continued to resist. Sgt. Bardash came into the hallway from outside and held § 87(2)(b) down. The officers used their knees and elbows to hold her down, and § 87(2)(b) was handcuffed after approximately five minutes. § 87(2)(b)'s face was red, and her hair looked like it had been pulled, however, § 87(2)(b) did not observe any additional injuries. § 87(2)(b) did not recall any of the officers punching § 87(2)(b) and she did not see them kick § 87(2)(b).

Part Three: § 87(2)(b) and PO Bulzomi

§ 87(2)(b) testified that while PO Sitruk was attempting to apprehend § 87(2)(b) stood near the wall and told PO Sitruk to calm down. A uniformed officer, who he described as a Hispanic male in his early-30's, 5'8" tall, with a slim build, dark hair and dark eyes, identified via the investigation as PO Jonathan Bulzomi, grabbed his neck and head from behind and twisted him around. PO Bulzomi pushed him up against a wall, and said, "Who the fuck are you? What the fuck is going on?" § 87(2)(b) raised his hands above his shoulders and said, "Relax, I'm staff," at which point PO Bulzomi released him. The other residents became upset and were yelling profanity, however, none of them made any movements towards the officers or behaved aggressively.

§ 87(2)(b) testified that while the officers were restraining § 87(2)(b) went over and said that he could handle her. PO Bulzomi restrained § 87(2)(b) because he believed that he was trying to engage in the fight, however, § 87(2)(b) did not know how he restrained § 87(2)(b).

According to § 87(2)(b) § 87(2)(b) was pushed into PO Bulzomi by accident, and PO Bulzomi thought that § 87(2)(b) was reaching for his weapon. He said something to the effect of, "Are you trying to get my fucking gun," grabbed § 87(2)(b) by the shoulder and neck, and pushed him up against the wall. § 87(2)(b) walked to the stairs and did not see any additional force used against § 87(2)(b).

§ 87(2)(b) testified that § 87(2)(b) got close to the officers in an effort to get them off of § 87(2)(b) however, § 87(2)(b) did not see him make contact with the officers. PO Bulzomi grabbed § 87(2)(b) by the collar and pushed him up against the wall, causing unknown injuries.

§ 87(2)(b) and § 87(2)(b) did not see any interaction with § 87(2)(b) and PO Bulzomi.

Part Four: Outside the Incident Location

The investigation determined by a preponderance of the evidence that PO Klenke escorted § 87(2)(b) outside, and that Sgt. Bardash and PO Bulzomi escorted § 87(2)(b) outside. § 87(2)(b) and § 87(2)(b) were transported to the 75th Precinct stationhouse.

§ 87(2)(b) testified that PO Klenke escorted her outside, but left her standing in front of the building to go back inside and get her jacket. § 87(2)(b) was crying and yelling, and another unidentified, uniformed officer, who she described as a white male, 5'5" to 5'6" tall, with a skinny build and bald head, came over and told her twice to "Shut the fuck up." § 87(2)(b) stood approximately two feet away in the entrance to the building. PO Klenke came back outside with her jacket, escorted § 87(2)(b) to an RMP and drove her to the 75th Precinct stationhouse.

§ 87(2)(b) corroborated that she was outside with § 87(2)(b) but did not hear any officer tell her to "Shut the fuck up."

None of the other witnesses provided any relevant testimony.

Part Five: Refusal to Provide Medical Attention to § 87(2)(b)

At approximately 9:20 a.m., § 87(2)(b) arrived at the 75th Precinct stationhouse. Her back was swollen and sore, and her head was pounding as a result of the incident. She asked multiple officers, including an unidentified, uniformed officer, who she described as a white male in his 30's, 5'6" tall, with a skinny build, and black hair, for medical treatment, however, she was repeatedly told to wait, and did not receive any treatment. She was unable to describe any of the other officers. § 87(2)(b) was transported to Central Booking at 11:30 p.m. She went to court, was released, and was taken back to § 87(2)(b). On § 87(2)(b), she went to § 87(2)(b) for medical treatment.

None of the other witnesses, including § 87(2)(b) provided any testimony related to this allegation.

Attempts to Contact Civilians (encl. 46A - T)

§ 87(2)(b) and § 87(2)(b) declined to participate in the investigation. The undersigned was unable to obtain statements from § 87(2)(b) and § 87(2)(b).

NYPD Statements

Subject Officer: PO DANIEL SITRUK

- *On the date of the incident, PO Sitruk was § 87(2)(b) old. He is a white male, stands 5'8" tall, weighs 190 pounds, and has black hair and brown eyes.*
- *PO Sitruk was assigned to Sector D, worked with PO Steven Giannitelli from 7:05 a.m. until 3:40 p.m., was assigned to marked RMP 4765, and was in uniform.*

PO Sitruk AIDED and Line of Duty Reports (encl. 20A – F)

PO Sitruk was diagnosed with neck and back strains, eye burning and pain in his left bicep (See enclosure for narratives).

CCRB Statement:

On August 19, 2014, PO Sitruk was interviewed at the CCRB (encl. 21A – C). His statement is summarized below.

On January 28, 2014, at 9:00 a.m., PO Sitruk and PO Giannitelli responded to an assault in progress at § 87(2)(b) in Brooklyn. When they arrived on scene they spoke to § 87(2)(b) in the kitchen. § 87(2)(b) told PO Giannitelli that § 87(2)(b) had assaulted him. He did not tell PO Giannitelli that she was pregnant, and the conversation lasted about five minutes before § 87(2)(b) approached the kitchen.

§ 87(2)(b) cursed at § 87(2)(b) and threw coffee at him, hitting PO Sitruk in the eyes, and causing irritation. PO Sitruk told § 87(2)(b) her to place her hands behind her back, and she complied. He handcuffed her right hand, however, she flailed her left arm, and PO Giannitelli pulled her left hand behind her back. It took approximately two minutes to handcuff her. PO Sitruk did not push § 87(2)(b) against the wall, and did not use any additional force against her. He did not put his hand around her throat or choke her. There were at least ten residents and staff members standing a few feet behind PO Sitruk, PO Giannitelli, and § 87(2)(b). They screamed and cursed at the officers about the fact that § 87(2)(b) was pregnant.

§ 87(2)(b) screamed that § 87(2)(b) was pregnant and PO Sitruk felt a sharp pain in his back and turned to face § 87(2)(b). She stood in his face and continued to scream profanity at him. PO Sitruk decided to arrest § 87(2)(b) for assaulting a police officer. He denied saying, “Shut the fuck up or I’ll lock you up.” PO Sitruk told § 87(2)(b) to turn around and place her hands behind her back. She replied, “No, fuck you,” and one of the staff members, who PO Sitruk identified as § 87(2)(b) from his photograph, tried to pull § 87(2)(b) back into the crowd and prevent the officers from handcuffing her. PO Sitruk tried to pull § 87(2)(b)’s arms behind her back, however, § 87(2)(b) continued to pull her away from the officers. PO Sitruk denied grabbing § 87(2)(b) by the hair or dragging her down the hallway.

§ 87(2)(b) tucked her hands beneath her, went to the ground, and threw punches at the officers. PO Sitruk did not say, “Get the fuck down,” or hear any officer do so. § 87(2)(b) reached for PO Sitruk’s gun during the struggle, but he prevented her from grabbing it by holding it down in the holster. PO Sitruk denied using any additional physical force against her, other than pulling her hands behind her back, including punching or kicking her. PO Giannitelli was next to him while he attempted to apprehend § 87(2)(b) and was pulling the other females off of PO Sitruk. Sgt. Bardash and PO Bulzomi arrived a few minutes later, and Sgt. Bardash called for additional units. Sgt. Bardash pulled § 87(2)(b)’s hands behind her back and handcuffed her after five to ten minutes. Some of the other female residents tried to prevent the officers from arresting § 87(2)(b) by pulling her away and jumping on PO Sitruk. PO Sitruk did not see § 87(2)(b) make contact with PO Bulzomi, see PO Bulzomi use any force against him, and did not recall whether PO Bulzomi said, “Who the fuck are you? What the fuck is going on.”

PO Sitruk and PO Giannitelli went back to the 75th Precinct stationhouse and did not transport § 87(2)(b) or § 87(2)(b). PO Sitruk sustained a sprained lower back and burning to his eyes, and PO Giannitelli sustained some injuries, and they were transported to Jamaica Hospital at 9:59 a.m. The undersigned showed PO Sitruk the surveillance video. When asked to rectify the fact that PO Sitruk testified that he did not grab § 87(2)(b)'s hair, he stated that he tried to grab her shoulder, that § 87(2)(b) prevented him from getting to § 87(2)(b) and that he did not grab her by the hair. After viewing the video footage, PO Sitruk did not amend his testimony.

Subject Officer: PO STEVEN GIANNITELLI

- *On the date of the incident, PO Giannitelli was § 87(2)(b) old. He is a white male, stands 6'0" tall, weighs 260 pounds, and has brown hair and brown eyes.*
- *PO Giannitelli worked the same tour and assignment as PO Daniel Sitruk.*

PO Giannitelli AIDED Report (encl. 23A – F)

PO Giannitelli was diagnosed with a contusion to his left shoulder and lower back (See enclosure for narrative).

CCRB Statement:

On August 20, 2014, PO Giannitelli was interviewed at the CCRB (encl. 24A – C). § 87(2)(g)

PO Giannitelli corroborated that he and PO Sitruk responded to § 87(2)(b) that they spoke with § 87(2)(b) in the kitchen, and that he explained the situation with § 87(2)(b) but did not mention that she was pregnant. PO Giannitelli corroborated that § 87(2)(b) stood in the hallway outside of the kitchen, yelled at § 87(2)(b) and threw coffee at him, hitting PO Sitruk in the eyes. PO Sitruk exited the kitchen to place § 87(2)(b) under arrest, and PO Giannitelli followed him. It was at that point that § 87(2)(b) told the officers that § 87(2)(b) was pregnant. PO Sitruk told § 87(2)(b) to turn around, but she did not comply. PO Sitruk grabbed her right arm and turned her around, and PO Giannitelli grabbed her left arm, and they both pushed her up against the wall to handcuff her. § 87(2)(b) tensed her arms, but the officers were able to overcome the resistance without any additional force. PO Sitruk did not put his hands around her throat or choke her.

The residents crowded around the officers in very close proximity, and yelled at them. PO Giannitelli corroborated that § 87(2)(b) made physical contact with PO Sitruk, however, he did not see what she did. PO Sitruk turned around and attempted to place § 87(2)(b) under arrest. He did not say, "Shut the fuck up or I'll lock you up." PO Giannitelli held § 87(2)(b) and PO Sitruk grabbed § 87(2)(b) by the shoulders. PO Giannitelli did not see PO Sitruk grab § 87(2)(b) by her hair. § 87(2)(b) grabbed § 87(2)(b) and pulled her away from PO Sitruk to prevent him from arresting her. PO Giannitelli saw that PO Sitruk was having difficulty placing § 87(2)(b) under arrest, and he let go of § 87(2)(b) and went to help him.

As a result of the struggle, PO Sitruk, PO Giannitelli, § 87(2)(b) and § 87(2)(b) ended up on the other side of the hallway near the front door. § 87(2)(b) still held § 87(2)(b) and PO Giannitelli told him to release her so they could arrest her, but he did not comply. § 87(2)(b) flailed her arms and prevented the officers from handcuffing her. PO Giannitelli did not recall whether PO Sitruk or any officer punched or kicked § 87(2)(b). PO Giannitelli did not hear PO Sitruk say,

“Get the fuck down.” At about the time they got to the front door, Sgt. Bardash and PO Bulzomi entered the building, and Sgt. Bardash called for additional units. PO Giannitelli was pushed to the ground and landed on his left shoulder, causing a minor tear. PO Giannitelli was on the ground and did not see § 87(2)(b) get arrested, or whether any officer used any force against her.

PO Giannitelli did not see PO Bulzomi push § 87(2)(b) against the wall or hear him say, “Who the fuck are you? What the fuck is going on?” PO Giannitelli and PO Sitruk left the scene before § 87(2)(b) was arrested. PO Giannitelli did not observe injuries on § 87(2)(b) or § 87(2)(b). PO Giannitelli and PO Sitruk returned to the 75th Precinct, and were transported to § 87(2)(b) at 9:59 a.m. The undersigned showed PO Giannitelli the surveillance footage, and he did not amend his testimony in any way.

Subject Officer: PO JONATHAN BULZOMI

- *On the date of the incident, PO Bulzomi was § 87(2)(b) old. He is a white male, stands 5’11” tall, weighs 190 pounds, and has brown hair and brown eyes.*
- *PO Bulzomi was Sgt. Grigoriy Bardash’s operator, worked from 7:05 a.m. until 3:40 p.m., was assigned to marked RMP 4431, and was in uniform.*

CCRB Statement:

On September 17, 2014, PO Bulzomi was interviewed at the CCRB (encl. 26A – C). His statement is summarized below.

Sgt. Bardash and PO Bulzomi arrived on scene at 9:00 a.m. PO Sitruk and PO Giannitelli were already inside the building, and Sgt. Bardash and PO Bulzomi could hear screaming as they approached. Sgt. Bardash and PO Bulzomi were unable to enter the building due to a magnetic lock on the door. A female bystander punched the code in, and Sgt. Bardash and PO Bulzomi entered the location. Upon entering PO Bulzomi looked right and saw at least fifteen civilians crowded around PO Sitruk and PO Giannitelli, who were attempting to arrest § 87(2)(b). Some of the civilians were pulling at PO Sitruk and PO Giannitelli in an apparent attempt to stop them from arresting § 87(2)(b). Sgt. Bardash called for additional units and went to assist PO Sitruk and PO Giannitelli. The three officers tried to pull § 87(2)(b)’s arms behind her back to handcuff her, however, she violently resisted by flailing her arms, and alternately pushing and pulling away from the officers, preventing them from handcuffing her. PO Bulzomi did not see any of the officers punch or kick § 87(2)(b).

PO Bulzomi saw § 87(2)(b) walking down the hallway. He grabbed her by the handcuffs with his left hand. Some of the civilians walked towards § 87(2)(b) and the officers, and PO Bulzomi issued commands to back up and used his right hand to keep them back.

PO Bulzomi felt a hard tug at his firearm and looked down and saw a Hispanic male, identified by PO Bulzomi via photograph as § 87(2)(b) with his hand on the butt of his gun. PO Bulzomi grabbed § 87(2)(b) by the wrist with his right arm, and pushed § 87(2)(b) against the wall, causing his back to make contact with the wall. PO Bulzomi asked § 87(2)(b) what he was doing, and § 87(2)(b) responded that he was falling and that it was an accident. PO Bulzomi did not recall saying, “Who the fuck are you? What the fuck is going on?” He decided that § 87(2)(b) was not trying to grab his gun, and asked § 87(2)(b) to get the other civilians back.

A female staff member approached PO Bulzomi and asked him how she could help. He told her to take § 87(2)(b) into the adjacent room and keep her there. She escorted § 87(2)(b) into the room, and PO Bulzomi closed the door behind them and went to assist in apprehending § 87(2)(b). PO Bulzomi grabbed § 87(2)(b)'s legs and the other three officers held her upper body. They placed her onto the ground and tried to pull her hands behind her back, however, § 87(2)(b) rolled onto her side and laid on her hands, preventing the officers from doing so. PO Bulzomi repeatedly ordered § 87(2)(b) to stop resisting and give the officers her hands, but she continued to turn away from the officers and lay on her hands. PO Bulzomi punched § 87(2)(b) in the middle of her back two times, and she allowed the officers to pull her hands behind her back, and handcuffed her. None of the officers kicked § 87(2)(b).

The officers lifted § 87(2)(b) up from the ground, and PO Bulzomi exited the location with her. She was mostly compliant, however, she continued to pull away and was yelling until they exited the building. When PO Bulzomi and the other officers exited the building, there was a large number of uniformed officers standing outside that were not able to get in due to the magnetic lock. § 87(2)(b) was barefoot, and PO Bulzomi and Sgt. Bardash stood outside with her for approximately three minutes before a staff member brought out slippers for her. PO Bulzomi did not recall whether § 87(2)(b) was outside at that time, and did not recall whether any officer said, "Shut the fuck up," to her. PO Bulzomi and Sgt. Bardash transported § 87(2)(b) to the 75th Precinct stationhouse. PO Bulzomi did not observe any injuries on her person, and she did not complain of any injuries to him.

Witness Officer: SGT. GIGORIY BARDASH

- *On the date of the incident, Sgt. Bardash was § 87(2)(b) old. He is a white male, stands 6'0", weighs 180 pounds, and has brown hair and grey eyes.*
- *Sgt. Bardash worked the same tour and assignment as PO Jonathan Bulzomi.*

CCRB Statement:

On August 27, 2014, Sgt. Bardash was interviewed at the CCRB (encl. 28A – C). § 87(2)(g)

Sgt. Bardash corroborated everything up to the point that he and PO Bulzomi entered the building. Upon entering, Sgt. Bardash looked right and observed approximately four or five individuals standing over PO Sitruk and PO Giannitelli, who were both on the ground, attempting to apprehend § 87(2)(b). PO Sitruk and PO Giannitelli tried to pull § 87(2)(b)'s hands behind her back, however, she actively and combatively resisted by flailing her arms, refusing to be handcuffed, pushing and kicking at the officers. The individuals that were standing over the officers were yelling and attempted to intervene in the arrest by pulling on PO Sitruk and PO Giannitelli in an aggressive and violent manner. Sgt. Bardash called for additional units, and Sgt. Bardash and PO Bulzomi rushed over and started pulling people off of the officers. Some of the individuals tried to get back into the melee, and Sgt. Bardash and PO Bulzomi pushed them back.

Sgt. Bardash issued commands to § 87(2)(b) to stop resisting. He pulled her hands behind her back, but denied using any additional force against § 87(2)(b) stating that the minimum necessary force was used to apprehend her. Sgt. Bardash did not punch or kick § 87(2)(b) and did not see any officer do so. § 87(2)(b) continued to resist until she was successfully handcuffed after an unknown period of time, at which point the melee stopped, and the residents calmed down. § 87(2)(b) was in the area during the melee, however, Sgt. Bardash did not recall

whether PO Bulzomi used any physical force against him, or whether he said, “Who the fuck are you? What the fuck is going on.”

Sgt. Bardash opened the front door and saw a large group of uniformed officers standing outside of the location. § 87(2)(b) and § 87(2)(b) were removed from the building for transport to the 75th Precinct. Sgt. Bardash did not hear any officer tell § 87(2)(b) to “Shut the fuck up.” A staff member brought § 87(2)(b) a pair of slippers, and Sgt. Bardash and PO Bulzomi transported her to the 75th Precinct. Sgt. Bardash did not recall whether § 87(2)(b) had any injuries or complained of any injuries to him. They arrived at the 75th Precinct stationhouse and PO Dietzel was assigned to process § 87(2)(b)s arrest.

Witness Officer: PO JARED DIETZEL

- *On the date of the incident, PO Dietzel was § 87(2)(b) old. He is a white male, stands 5’10” tall, weighs 215 pounds, and has black hair and blue eyes.*
- *PO Dietzel was assigned to Sector F, worked with PO Velasquez from 7:05 a.m. until 3:40 p.m., was assigned to marked RMP, and was in uniform.*

§ 87(2)(b) Arrest Report and Photograph (encl. 30A – D)

“At the time and place of occurrence, arresting officer is informed by PO Sitruk that while officers were interviewing staff member § 87(2)(b) perpetrator came through door and did throw a white container with unknown liquid at officers. PO Sitruk did sustain irritation to his eyes.” § 87(2)(b) was charged with § 87(2)(b). Her **arrest photograph** did not show any visible injuries.

§ 87(2)(b) Arrest Report and Photograph (31A – E)

“At the time and place of occurrence, arresting officer is informed by PO Sitruk that while officer Sitruk was apprehending perpetrator one, defendant § 87(2)(b) did assault PO Sitruk by punching him in the back and while apprehending perpetrator did flare her hands to prevent from getting arrested. Officer has complaint of pain to back, and was also bitten in left arm.” § 87(2)(b) was charged with § 87(2)(b), § 87(2)(a) 160.50. Her **arrest photograph** was not available (encl. 42B).

CCRB Statement:

On August 20, 2014, PO Dietzel was interviewed at the CCRB (encl. 32A – B). His statement is summarized below.

PO Dietzel and PO Velasquez responded to the incident location at approximately 9:07 a.m. § 87(2)(b) and § 87(2)(b) were being escorted out of the building. PO Dietzel did not hear any officer say “Shut the fuck up,” to § 87(2)(b). PO Dietzel was directed to resume patrol. At 2:00 p.m. PO Dietzel was assigned to process § 87(2)(b) and § 87(2)(b)s arrests. He did not observe injuries on either female, and neither of them complained of any injuries or asked for medical attention.

Witness Officer: PO KURT KLENKE

- *On the date of the incident, PO Klenke was § 87(2)(b) old. He is a white male, stands 5’11” tall, weighs 300 pounds, and has brown hair and hazel eyes.*

- *PO Klenke was assigned to Sector J/N, worked with PO Guarnaccia from 7:05 a.m. until 5:40 p.m., was assigned to marked RMP, and was in uniform.*

CCRB Statement:

On October 16, 2014, PO Klenke was interviewed at the CCRB (encl. 34A – B). His statement is summarized below.

PO Klenke and PO Guarnaccia arrived at the incident location at 8:48 a.m., by which time the incident had concluded. PO Klenke did not recognize § 87(2)(b) or § 87(2)(b) from their arrest photographs. Sgt. Bardash instructed PO Klenke and PO Guarnaccia to transport § 87(2)(b) to the stationhouse. PO Klenke did not hear any officer say, “Shut the fuck up,” to § 87(2)(b) outside of the facility. He did not observe any injuries on her, and she did not complain of any injuries. They arrived at the stationhouse at 9:20 a.m., and PO Klenke brought § 87(2)(b) to the desk. He had no further contact with her.

Officers Not Interviewed

Based on the surveillance footage, the only officers that were inside during the physical altercation were PO Sitruk, PO Giannitelli, Sgt. Bardash and PO Bulzomi. § 87(2)(g)

Medical Records

§ 87(2)(b)
On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) in Brooklyn. He was diagnosed with a shoulder strain and contusion to his left shoulder, and muscle spasms in his back. X-rays were taken, however, there were no further injuries noted. He was prescribed 5 mg Valium for pain and spasms, and was discharged the same day. He made the following statement to medical personnel:

§ 87(2)(b) stated that he was assaulted at 9:30 a.m. today, states he was grabbed by neck and left arm pulled by one person thrust against wall.”

§ 87(2)(b)
On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) in Brooklyn. She was nine weeks pregnant at the time, and was diagnosed with mild vaginal “spotting,” and lower abdominal cramping. She was seen and cleared by an Ob/Gyn, was told to continue routine pre-natal care, and was discharged on § 87(2)(b). § 87(2)(b) did not make any statements to medical personnel.

§ 87(2)(b)
On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) in Brooklyn. She was diagnosed with tenderness to her upper back and neck, range of motion pain, and left jaw line tenderness. She was prescribed ibuprofen and discharged the same day. § 87(2)(b) made the following statement to medical personnel:

§ 87(2)(b) complains of neck, upper back and left jaw pain. This started two days ago after altercation with police. She complains of pain and stiffness.”

NYPD Documents

75th Precinct Command Log (encl. 38)

At 9:20 a.m., § 87(2)(b) and § 87(2)(b) were recorded in the command log by PO Dietzel. Force was used against both of them, however, their conditions were listed as apparently normal.

§ 87(2)(b) Incident Report (encl. 37A – C)

At approximately 9:00 a.m., § 87(2)(b) § 87(2)(b), was upset as § 87(2)(b) attempted to sit at one of the class desk in attempt to monitor the class. § 87(2)(b) stated that if § 87(2)(b) did not stay away from her class, she will pour her ginger ale on his face. § 87(2)(b) attempted to counsel her, but she became physically aggressive and poured the ginger ale at his face. § 87(2)(b) called 911 for assistance. PO Luciani (14961) and Klenke (10850) responded. As police officers attempted to inquire about the reason for the call, § 87(2)(b) became more aggressive and picked § 87(2)(b)'s cup of coffee and threw it towards § 87(2)(b). The coffee landed on PO Luciani and PO Klenke. As § 87(2)(b) began yelling and screaming at the officers, PO Luciani and PO Klenke attempted to place § 87(2)(b) in handcuffs. § 87(2)(b) became physically resistant. § 87(2)(b) intervened and attempted to stop the officers from placing the restraint on § 87(2)(b). PO Luciani and PO Klenke directed § 87(2)(b) to back up, but she was not receptive. PO Luciani and PO Klenke arrested § 87(2)(b) and § 87(2)(b) and escorted them to the 75th Precinct. § 87(2)(b) and § 87(2)(b) attempted to intervene to stop § 87(2)(b). In the process § 87(2)(b) sustained severe pain to his shoulder and § 87(2)(b) sustained severe pain to her left hand.

Surveillance Footage (encl. 18)

There were four cameras and 70 videos, and the videos did not have any sound. Video 6 (IA 157) was 01:18 long, and camera 1 covered the front door and the immediate hallway in front of it. Video 8 (IA 157) was 04:14 long, and camera 2 covered the kitchen. Video 21 (IA 158) was 01:06 long, and camera 4 covered the hallway looking towards the front door. Video 70 (IA 160) was 08:52 long (camera 1).

At 09:02:55, PO Sitruk and PO Giannitelli entered front door with § 87(2)(b) (Video 6 – Camera 1). At 09:03:15, PO Sitruk and PO Giannitelli were in the kitchen speaking with § 87(2)(b) (Video 8 – Camera 2). At 09:04:04, § 87(2)(b) threw the coffee into the kitchen, striking PO Sitruk. He and PO Giannitelli exited the kitchen to apprehend her. PO Sitruk grabbed § 87(2)(b) by her left shoulder and pulled her into his chest, with his forearm against her cheek and chin, then forced her up against the wall and placed in handcuffs (Video 21 – Camera 4).

At 09:04:23, § 87(2)(b) made contact with PO Sitruk, and he turned around and grabbed her with his left hand by the right side of her neck, with his thumb on her throat, for approximately two seconds. He said something to her, then grabbed her by the hair and pulled her toward the other end of the hallway. § 87(2)(b) put his arm between § 87(2)(b) and PO Sitruk before § 87(2)(b) struck him, and his arm is caught between PO Sitruk and § 87(2)(b) after he grabs her. § 87(2)(b) resisted PO Sitruk's efforts to apprehend her by pulling away from him (Video 70 – Camera 1).

At 09:04:50, Sgt. Bardash and PO Bulzomi entered the location, and Sgt. Bardash immediately radioed for backup. PO Bulzomi removed § 87(2)(b) from the immediate area of

the melee. There were a number of residents and staff members in the area, and some of them repeatedly attempted to get closer, despite officers pointing not to do so, and staff members attempting to hold them back. At 09:07:00 multiple officers entered the building, however, both § 87(2)(b) and § 87(2)(b) are already apprehended. § 87(2)(b) and § 87(2)(b) are removed from the building by Sgt. Bardash and another officer. § 87(2)(b) continues to resist on the way out (Video 70 – Camera 1).

Arrest for Incident and Disposition and Civilians Criminal History (encl. 44A – 44F1)

- On § 87(2)(b), § 87(2)(b) pled guilty to disorderly conduct and was sentenced to time served.
- All criminal charges for § 87(2)(b) in connection with the incident have been dismissed.
- § 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) filed a notice of claim on February 6, 2014, with the City of New York, claiming physical pain and loss of wages, and seeking unspecified monetary damages as recompense (encl. 8 – 9). As on November 6, 2014, no 50-h testimony had been given.
- § 87(2)(b) and § 87(2)(b) have not filed a notice of claim with the City of New York as of September 2, 2014, with regard to the incident.

Civilians CCRB History (encl. 3 – 5)

- § 87(2)(b) was involved in the following CCRB complaints:
 - § 87(2)(b)
- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b)

Subject Officers CCRB History (encl. 1 – 2)

- PO Daniel Sitruk has been a member of the service for eight years and there are no substantiated CCRB allegations against him.
- PO Jonathan Bulzomi has been a member of the service for four years and there are no substantiated CCRB allegations against him.

Conclusion

Allegations Not Pleaded

§ 87(2)(b) alleged that PO Sitruk and PO Giannitelli said, “Shut up bitch,” to § 87(2)(b) while he was apprehending her, however, she did not make this allegation herself, and no one else made this allegation. Therefore, no discourtesy allegations were pleaded.

§ 87(2)(b) and numerous witnesses alleged that PO Sitruk said, “Shut the fuck up or I’ll lock you up,” to § 87(2)(b) prior to her arrest. While the discourtesy allegation was pled, a threat of arrest allegation was not since § 87(2)(b) was subsequently arrested.

Multiple witnesses heard that § 87(2)(b) was punched in the stomach by an unknown officer, however, the only ones that witnessed the alleged force were § 87(2)(b) and § 87(2)(b). § 87(2)(b) said that § 87(2)(b) was kicked, not punched in the stomach. Further,

she was being arrested at the time, and as such her statement relative to § 87(2)(b) was unreliable. § 87(2)(b) said that § 87(2)(b) tried to intervene in § 87(2)(b)'s arrest, and that officers told her to get back or she would be arrested. When she refused to comply, one of the officers punched her in the stomach. Because witness accounts differ, and because § 87(2)(b) refused to provide a statement to the investigation, no allegation was pled.

§ 87(2)(b) alleged that PO Sitruk said, "Get the fuck down," in the course of apprehending § 87(2)(b). § 87(2)(b) alleged that PO Sitruk and PO Giannitelli told § 87(2)(b) to "Shut the fuck up," during the course of her arrest. § 87(2)(b) did not make either allegation, and none of the other witnesses corroborated the alleged discourtesies. Therefore, no discourtesy allegations were pleaded for § 87(2)(b).

Identification of Subject Officers

The first two officers on scene were PO Sitruk and PO Giannitelli. As per the surveillance footage, PO Sitruk is the officer that pushed § 87(2)(b) against the wall. He is also the officer that § 87(2)(b) makes contact with before he grabs her, and, according to the video footage, the officer that said something to her and choked her. Therefore, Allegations A, B, C, and E are pleaded against PO Daniel Sitruk.

§ 87(2)(b) described the officer that used force against him and spoke discourteously to him as a Hispanic male in his early 30's, 5'8" tall, 190 pounds, and dark hair. PO Bulzomi is a 28-year-old white male, stands 5'11" tall, weighs 190 pounds, has black hair, and testified that he pushed § 87(2)(b) up against the wall. Therefore, Allegations F and G are pleaded against PO Jonathan Bulzomi. Additionally, PO Bulzomi admitted to punching § 87(2)(b) twice to apprehend her. Therefore, Allegation H is pleaded against PO Bulzomi as well.

§ 87(2)(b) described the officer that spoke discourteously to her as a bald, white male, 5'5" to 5'6" tall, with a skinny build. None of the officers that were listed on the SPRINT fit that description, and none of the officers in the surveillance footage did either. None of the officers that were interviewed recalled hearing any officer speak discourteously to § 87(2)(b). Therefore, Allegation I is pleaded against "an officer" from the 75th Precinct.

§ 87(2)(b) alleged that multiple officers refused to provide her with medical attention, but was only able to describe one of them. She described the officer as a white male in his 30's, 5'6" tall, with a skinny build and black hair. PO Klenke was listed on the command log as the cell attendant, however, his memo book and testimony both placed him on sector patrol. He does not fit the description, as he is a 34-year-old white male, stands 5'11" tall, weighs 250 pounds, and has brown hair. PO Dietzel, the officer that processed § 87(2)(b)'s arrest, is a 28-year-old white male, stands 5'10" tall, weighs 205 pounds, and has brown hair. He denied that § 87(2)(b) asked him, or any officer, for medical attention. None of the officers that were assigned to stationhouse posts fit the physical description provided by § 87(2)(b) and there were no officers on the Interrupted Patrol Log or Prisoner Holding Pen Roster at the time of the alleged discourtesy that fit the description (encl. 39A – 40F). Because none of the officers fit the description provided by § 87(2)(b), Allegation J is pleaded against "officers" from the 75th Precinct.

Investigative Findings and Recommendations

Allegation A – Force: PO Daniel Sitruk used a chokehold against § 87(2)(b)

§ 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(b) alleged that PO Sitruk grabbed her by the front of the neck before pushing her against the wall.

Video 21 clearly showed that PO Sitruk grabbed § 87(2)(b) by her left shoulder and pulled her into his chest, with his forearm against her cheek and chin, then forced her up against the wall before placing her in handcuffs. At no point did he have his hands around her throat or choked her, which PO Sitruk and PO Giannitelli both corroborated in their statements.

§ 87(2)(g)

Allegation B – Force: PO Daniel Sitruk used physical force against § 87(2)(b)

§ 87(2)(b) at § 87(2)(b) in Brooklyn.

It is undisputed by virtue of § 87(2)(b)'s testimony, witness and officer testimony, police and § 87(2)(b) documentation, and surveillance footage that § 87(2)(b) was hostile, that she threw coffee at § 87(2)(b) and that it struck PO Sitruk in the eyes, causing burning to his eyes. It is also undisputed § 87(2)(b) was approximately eight weeks pregnant at the time of the incident, however, it is disputed whether PO Sitruk knew this at the point that he started to place § 87(2)(b) under arrest.

§ 87(2)(b) and § 87(2)(b) all testified that § 87(2)(b) was moving her body while PO Sitruk had her up against the wall, which was corroborated by the § 87(2)(b) documentation. PO Sitruk and PO Giannitelli both testified § 87(2)(b) resisted arrest. § 87(2)(g)

§ 87(2)(b) alleged that PO Sitruk pushed her against the wall face first, and her stomach and chest made contact with the wall. According to § 87(2)(b)'s medical records she had vaginal “spotting” as a result of the incident.

According to § 87(2)(b) he told PO Sitruk and PO Giannitelli that § 87(2)(b) was pregnant when they entered the facility. PO Sitruk and PO Giannitelli testified that they did not know that § 87(2)(b) was pregnant until PO Sitruk pushed her against the wall, and the residents and staff started yelling. At eight weeks, there are generally no outwardly visible physical signs of pregnancy, and there were no obvious indications in the video footage. As such, the investigation was unable to determine whether the officers were aware of § 87(2)(b)'s pregnancy prior to PO Sitruk pushing her against the wall.

According to the surveillance footage, after § 87(2)(b) threw the coffee at PO Sitruk, and he immediately grabbed her, placed her up against the wall, and handcuffed her. This process took only a matter of seconds, and no additional force was used against § 87(2)(b).

PO Sitruk testified that despite the fact that § 87(2)(b) resisted during the course of her arrest, that he simply pushed her up against the wall, pulled her hands behind her back, and handcuffed her, which PO Giannitelli corroborated.

According to Patrol Guide Procedure 203-11, officers are required to use the minimum force required during interactions with civilians (encl. 0A – B).

§ 87(2)(g)
[REDACTED]

Allegation C – Discourtesy: PO Daniel Sitruk spoke discourteously to § 87(2)(b) at § 87(2)(b) in Brooklyn.

§ 87(2)(b) alleged that when she told PO Sitruk that § 87(2)(b) was pregnant, he said, “Shut the fuck up or I’ll lock you up,” § 87(2)(b) and § 87(2)(b) corroborated the timing and language used by PO Sitruk. The video showed PO Sitruk turn from § 87(2)(b) and say something to § 87(2)(b) as he placed her in a chokehold (Allegation D), and subsequently arresting her, corroborating the timing of the statement. That PO Sitruk is simultaneously engaging § 87(2)(b) in a chokehold supports the notion that he was upset and likely using strong language. Based on the consistent testimony from § 87(2)(b) and § 87(2)(b) combined with supportive video evidence, the investigation determined by a preponderance of the evidence that PO Sitruk told § 87(2)(b) to shut the fuck up or she would be arrested.

Officers are required to be courteous and respectful when interacting with civilians, PG 203-09 (encl. 0M). As accorded by NYPD v. White, OATH Index 78667/03, officers may use discourteous language when trying to gain cooperation during law enforcement activity (encl. 0N-Q).

§ 87(2)(g)
[REDACTED]

Allegation D – Force: PO Daniel Sitruk used a chokehold against § 87(2)(b) at § 87(2)(b) in Brooklyn.

While § 87(2)(b) did not allege that PO Sitruk placed her in a chokehold, video 70 showed PO Sitruk grab § 87(2)(b) with his left hand by the right side of her neck, with his thumb on her throat, for approximately two seconds as he spoke to her.

Chokeholds are explicitly banned by Patrol Guide Procedure 203-11 (encl. 0A – B).

§ 87(2)(g)

Allegation E – Force: PO Daniel Sitruk used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

Allegation H – Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

It is undisputed by virtue of PO Sitruk and PO Giannitelli's testimonies, § 87(2)(b) and § 87(2)(b) testimonies, as well as the surveillance footage, that § 87(2)(b) hit PO Sitruk in the lower-right part of his back. It is also undisputed that § 87(2)(b) violently resisted arrest, and that there was a large, boisterous crowd in very close proximity to PO Sitruk and PO Giannitelli when PO Sitruk was handcuffing § 87(2)(b) when PO Sitruk attempted to apprehend § 87(2)(b) and when he, PO Giannitelli, Sgt. Bardash and PO Bulzomi apprehended § 87(2)(b). Finally, it is undisputed by virtue of PO Bulzomi's testimony that *some* force was used against § 87(2)(b) however, testimony of said force varied widely, and was disputed.

§ 87(2)(b) alleged that when she told PO Sitruk that § 87(2)(b) was pregnant, he said, "Shut the fuck up or I'll lock you up," which § 87(2)(b) and § 87(2)(b) corroborated. § 87(2)(b) denied making contact with PO Sitruk, who turned around, grabbed her by her hair, dragged her down the hallway and then pushed her to the ground. § 87(2)(b) resisted PO Sitruk's efforts to apprehend her throughout the interaction. Additionally, she alleged that PO Sitruk kicked her in the back, and PO Giannitelli put his knee in her back and attempted to pull her hands behind her back, but she continued to resist. An unknown officer punched her in the back of the head twice, and PO Bulzomi punched and kicked her in the lower back an unknown number of times before she was handcuffed. She was diagnosed with tenderness to her upper back and neck, range of motion pain, and left jawline tenderness.

§ 87(2)(b) and § 87(2)(b) both testified that after § 87(2)(b) made contact with PO Sitruk's shoulder, he turned around and grabbed § 87(2)(b) by the head. § 87(2)(b) testified that he stood between § 87(2)(b) and PO Sitruk in an attempt to prevent her from getting to PO Sitruk. § 87(2)(b) and § 87(2)(b) all testified that PO Sitruk attempted to subdue § 87(2)(b) by pushing her to the ground and kicking her legs out, and that multiple officers told her to stop resisting, but that she did so throughout her apprehension.

According to the surveillance footage, after § 87(2)(b) made contact with PO Sitruk, he turned around and grabbed her by the throat (chokehold discussed above). He then grabbed her by the hair and pulled her toward the other end of the hallway, and § 87(2)(b)'s arm is between PO Sitruk and § 87(2)(b) who is resisting PO Sitruk's efforts to apprehend her. § 87(2)(b) and others obstructed PO Sitruk and PO Giannitelli from apprehending § 87(2)(b)'s apprehension on the other side of the hallway was not captured on video, however, she continued to resist as she was being escorted out of the building.

PO Sitruk and PO Giannitelli both testified that as PO Sitruk was handcuffing § 87(2)(b), § 87(2)(b) stood a few feet from him and screamed in his face. PO

Sitruk and PO Giannitelli denied that PO Sitruk said, “Shut the fuck up or I’ll lock you up.” § 87(2)(b) hit PO Sitruk in the back, at which point he told her to turn around and place her hands behind her back, which she refused to do so. PO Sitruk tried to pull her hands behind her back, however, § 87(2)(b) prevented him from doing so by pulling § 87(2)(b) into the crowd. PO Sitruk denied grabbing § 87(2)(b) by the hair, and PO Giannitelli did not see PO Sitruk do so. As a result of the struggle, PO Sitruk, PO Giannitelli, § 87(2)(b) and § 87(2)(b) ended up on the other side of the hallway, near the front door. § 87(2)(b) resisted by flailing her arms, going to the ground, tucking her hands beneath her, and throwing punches at the officers. PO Sitruk and PO Giannitelli both testified that PO Sitruk did not punch or kick § 87(2)(b) or use any additional force against her.

Sgt. Bardash and PO Bulzomi arrived a few minutes later and observed PO Sitruk and PO Giannitelli attempting to place § 87(2)(b) under arrest. She was violently resisting, and there was a large group of civilians crowded around them pulling on § 87(2)(b) PO Sitruk and PO Giannitelli in an aggressive and violent manner. Sgt. Bardash attempted to pull § 87(2)(b) s arms behind her back, however, she violently resisted by flailing her arms, and alternately pushing and pulling away from the officers. PO Bulzomi went over to assist, and Sgt. Bardash and PO Bulzomi issued commands for § 87(2)(b) to stop resisting. She continued to do, and PO Bulzomi punched § 87(2)(b) in the middle of her back two times, at which point Sgt. Bardash was able to handcuff her. PO Sitruk, PO Giannitelli and Sgt. Bardash all denied using any additional force against § 87(2)(b) during the course of her arrest, or seeing any officer do so. PO Sitruk and PO Giannitelli both sustained injuries during the course of § 87(2)(b) s arrest.

According to Patrol Guide Procedure 203-11, officers are required to use the minimum force required during interactions with civilians (encl. 0A – B).

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Allegation F – Force: PO Jonathan Bulzomi used physical force against § 87(2)(b) at § 87(2)(b) in Brooklyn.

Allegation G – Discourtesy: PO Jonathan Bulzomi spoke discourteously to § 87(2)(b) at § 87(2)(b) in Brooklyn.

As discussed above, it is undisputed that there was a large, boisterous crowd in very close proximity to PO Sitruk when he attempted to apprehend § 87(2)(b) and that multiple civilians, including § 87(2)(b) attempted to interfere in § 87(2)(b) s arrest. Additionally, it is undisputed

that Sgt. Bardash and PO Bulzomi had no additional information about the incident when they entered the incident location.

§ 87(2)(b) testified that while PO Sitruk was attempting to apprehend § 87(2)(b) he stood near the wall and told PO Sitruk to calm down. PO Bulzomi came up behind him, grabbed his neck and pushed him up against a wall. PO Bulzomi said, “Who the fuck are you? What the fuck is going on?” § 87(2)(b) raised his hands above his shoulders and said, “Relax, I’m staff,” and PO Bulzomi released him. He was diagnosed with a contusion and strain to his left shoulder, and back spasms.

§ 87(2)(b) testified that § 87(2)(b) was pushed into PO Bulzomi by accident, and that PO Bulzomi thought that § 87(2)(b) was reaching for his weapon. PO Bulzomi grabbed § 87(2)(b) by the shoulder and neck, pushed him up against the wall and asked if he was reaching for his “fucking” gun. § 87(2)(b) told PO Bulzomi that he was staff, at which point he released him. § 87(2)(b) corroborated that PO Bulzomi grabbed § 87(2)(b) and pushed him up against the wall. The surveillance footage did not capture the interaction between § 87(2)(b) and PO Bulzomi.

PO Bulzomi testified that he felt a hard tug at his firearm, looked down and saw § 87(2)(b) with his hand on the butt of his gun. PO Bulzomi grabbed § 87(2)(b) pushed him against the wall and asked § 87(2)(b) what he was doing. § 87(2)(b) responded that he was falling and that it was an accident. PO Bulzomi decided that § 87(2)(b) was not trying to grab his gun and asked § 87(2)(b) to help move the other civilians back. He did not recall saying, “Who the fuck are you? What the fuck is going on?”

PO Sitruk, PO Giannitelli and Sgt. Bardash did not see PO Bulzomi use force against § 87(2)(b) and did not recall whether PO Bulzomi said, “Who the fuck are you? What the fuck is going on.” According to Patrol Guide Procedure 203-11, officers are required to use the minimum force required during interactions with civilians (encl. 0A – B). Additionally, in certain stressful situations, an officer may use limited profanity where needed to gain compliance or maintain control of a situation NYPD v. Court, OATH Index 79627/04 (encl. 0C – L).

§ 87(2)(g)

[REDACTED]

Allegation I – Discourtesy: An officer spoke discourteously to § 87(2)(b) outside of § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified that while she was standing outside of the building, crying, yelling and waiting to be transported from the scene, an officer came over and said, "Shut the fuck up," two times. She testified that § 87(2)(b) was standing approximately two feet away at the time of the alleged discourtesy.

§ 87(2)(b) corroborated that she was outside with § 87(2)(b) at the time of the incident, but did not hear any officer tell her to "Shut the fuck up."

None of the officers that were interviewed recalled hearing any officer tell § 87(2)(b) to, "Shut the fuck up."

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Allegation J – Abuse of Authority: Officers refused to provide medical attention to § 87(2)(b) at the 75th Precinct stationhouse in Brooklyn.

§ 87(2)(b) alleged she asked multiple officers for medical treatment while she was in a holding cell, but was repeatedly told to wait, and did not receive any treatment.

None of the officers that were interviewed fit the description of the subject officer. PO Dietzel, the officer that processed § 87(2)(b)'s arrest, denied that she asked him or any other officer for medical treatment, and none of the other officers in the stationhouse at the time fit the description of the subject officer.

§ 87(2)(g)
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§ 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date